

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAI‘I

HUI MĀLAMA HONOKŌHAU, an	)	Civil No. 1-23-cv-00393 JMS-KJM
unincorporated association,	)	
Plaintiff,	)	ORDER APPROVING LIABILITY
	)	PHASE SETTLEMENT
v.	)	AGREEMENT
	)	
COUNTY OF HAWAI‘I,	)	<u>Judge</u> : Hon. J. Michael Seabright
	)	<u>Trial Date</u> : Nov. 5, 2024
Defendant.	)	
	)	

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WHEREAS, on September 25, 2023, Plaintiff Hui Mālama Honokōhau (“the Hui”) filed a complaint (ECF No. 1) (“Complaint”) against Defendant County of Hawai‘i (“the County”) alleging violations of the federal Clean Water Act (“CWA”), 33 U.S.C. §§ 1251 *et seq.*, associated with the County’s discharges of treated wastewater from the Kealakehe Wastewater Treatment Plant;

WHEREAS, on November 20, 2023, the Court bifurcated this lawsuit into a “Liability Phase” (*i.e.*, adjudicating the County’s potential CWA liability for unpermitted discharges from the Kealakehe WWTP) and a “Remedy Phase” (*i.e.*, assessing civil penalties, should any liability be found, for any CWA violations) and set a separate procedural schedule for the Liability Phase (ECF Nos. 20 and 21);

WHEREAS, the parties have reached a settlement agreement resolving the Liability Phase of this case and, on July 5, 2024, lodged a Liability Phase Settlement Agreement for the Court's review and consideration (ECF No. 38); and

WHEREAS, it is in the best interests of the public, the parties, and judicial economy to resolve the Liability Phase without protracted litigation;

IT IS, THEREFORE, ORDERED as follows:

1. The provisions of the Liability Phase Settlement Agreement (ECF No. 38) are a just, fair, adequate, and equitable resolution of the Liability Phase of this lawsuit.
2. The Court approves the Liability Phase Settlement Agreement and adopts it as an order of the Court.
3. The Court retains jurisdiction to enforce the terms of the Liability Phase Settlement Agreement. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994).

DATED: August 22, 2024.



/s/ J. Michael Seabright  
J. Michael Seabright  
United States District Judge

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*Hui Mālama Honokōhau v. County of Maui*, 1-23-cv-00393 JMS-KJM (D. Haw.),  
ORDER APPROVING LIABILITY PHASE SETTLEMENT AGREEMENT